

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

4 **ROBERT M. ELLIOTT, M.D.**

5 Holder of License No. 20769
6 For the Practice of Medicine
In the State of Arizona.

Case Nos. MD-03-1070A, MD-04-0701A

**CONSENT AGREEMENT FOR
SURRENDER OF LICENSE**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board
9 ("Board") and Robert M. Elliott, M.D. ("Respondent"), the parties agreed to the following
10 disposition of this matter.

11 1. Respondent has read and understands this Consent Agreement and the
12 stipulated Findings of Fact, Conclusions of Law and Order contained herein ("Consent
13 Agreement"). Respondent acknowledges that he has the right to consult with legal
14 counsel regarding this matter and has done so has elected not to do so.

15 2. By entering into this Consent Agreement, Respondent voluntarily
16 relinquishes any rights to a hearing or judicial review in state or federal court on the
17 matters alleged, or to challenge this Consent Agreement in its entirety as issued by the
18 Board, and waives any other cause of action related thereto or arising from said Consent
19 Agreement.

20 3. This Consent Agreement is not effective until approved by the Board and
21 signed by its Executive Director.

22 4. The Board may adopt this Consent Agreement or any part thereof. This
23 Consent Agreement, or any part thereof, may be considered in any future disciplinary
24 action against Respondent.

25 5. This Consent Agreement does not constitute any waiver, express or implied, of
the Board's statutory authority or jurisdiction regarding any future investigation, action or

1 proceeding. The acceptance of this Consent Agreement does not preclude any other
2 agency, subdivision or officer of this State from instituting other civil or criminal
3 proceedings with respect to the conduct that is the subject of this Consent Agreement.

4 6. All admissions made by Respondent are solely for final disposition of this
5 matter and any subsequent related administrative proceedings or civil litigation involving
6 the Board and Respondent. Therefore, said admissions by Respondent are not intended
7 or made for any other use, such as in the context of another state or federal government
8 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
9 any other state or federal court.

10 7. Upon signing this Consent Agreement, and returning this document (or a copy
11 thereof) to the Board's Executive Director, Respondent may not revoke the acceptance of
12 the Consent Agreement. Respondent may not make any modifications to this document.
13 Any modifications to this document are ineffective and void unless mutually approved by
14 the parties.

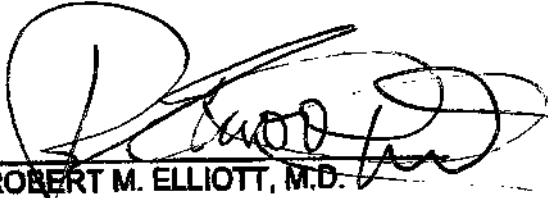
15 8. If the Board does not adopt this Consent Agreement, Respondent will not
16 assert as a defense that the Board's consideration of this Consent Agreement constitutes
17 bias, prejudice, prejudgment or other similar defense.

18 9. This Consent Agreement, once approved and signed, is a public record that will
19 be publicly disseminated as a formal action of the Board and will be reported to the
20 National Practitioner Data Bank and on the Arizona Medical Board's website.

21 10. If any part of the Consent Agreement is later declared void or otherwise
22 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in
23 force and effect.

24 11. Any violation of this Consent Agreement constitutes unprofessional conduct
25 and may result in disciplinary action. A.R.S. § 32-1401(27)(r) ("violating a formal order,

1 probation, consent agreement or stipulation issued or entered into by the board or its
2 executive director under this chapter") and A.R.S. § 32-1451.

3
4 
5 ROBERT M. ELLIOTT, M.D.

Dated: Aug 5, 08

FINDINGS OF FACT

1
2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 20769 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. Respondent's license to practice medicine in the State of Maryland expired
7 on September 30, 1992. In December 1999, Respondent submitted a Reinstatement
8 Application to the Maryland State Board of Physicians ("Maryland Board"). The
9 Reinstatement Application asked whether Respondent had been named as a defendant in
10 a filing or settlement of a medical malpractice action within the past five years.
11 Respondent answered "no" to this question.

12 4. The Maryland Board subsequently obtained information that three medical
13 malpractice suits had been settled on Respondent's behalf within the five years prior to
14 Respondent's submission of the Reinstatement Application.

15 5. On September 13, 2000, the Maryland Board issued a Notice of Initial Denial
16 of Respondent's application, based on the alleged misrepresentation made by
17 Respondent in his Reinstatement Application. Following a two-day hearing before an
18 administrative law judge, a decision was rendered recommending denial of Respondent's
19 Reinstatement Application. On September 30, 2003, the Maryland Board denied
20 reinstatement of Respondent's license.

21 6. On May 6, 2004, Respondent surrendered his license to practice medicine in
22 Oregon "prior to or in lieu of inquiry, investigation, or other action" by the Oregon Board of
23 Medical Examiners into the circumstances surrounding his Maryland Reinstatement
24 Application.

25 7. The Board initiated case number MD-03-1070A after receiving notification
that the Maryland Board had denied re-instatement of Respondent's license after the

1 Maryland Board found that Respondent willingly made false representations when seeking
2 re-licensure.

3 8. The Board initiated case number MD-04-0701A after receiving notice that
4 Respondent had surrendered his Oregon license to practice medicine, based on the
5 Maryland Board's denial of the re-instatement of his Maryland license.

6 9. Respondent admits to those acts described above that constitute
7 unprofessional conduct pursuant to A.R.S. § 32-1401(27)(o) ("Action that is taken against
8 a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor's
9 mental or physical inability to engage safely in the practice of medicine, the doctor's
10 medical incompetence or for unprofessional conduct as defined by that jurisdiction and
11 that corresponds directly or indirectly to an act of unprofessional conduct prescribed by
12 this paragraph. The action taken may include refusing, denying, revoking or suspending a
13 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise
14 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on
15 probation by that jurisdiction.").

16 17 CONCLUSIONS OF LAW

18 1. The Board possesses jurisdiction over the subject matter hereof and over
19 Respondent.

20 2. The Board possesses statutory authority to enter into a Consent Agreement
21 with a physician and accept the surrender of an active license from a physician who
22 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

23 ORDER

24 IT IS HEREBY ORDERED THAT License Number 20769, issued to Robert M.
25 Elliott, M.D. for the practice of allopathic medicine in the State of Arizona, is surrendered
and that Robert M. Elliott, M.D. immediately return his wallet card and certificate of

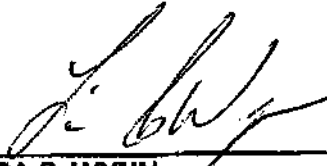
1 licensure to the Board, if he still has possession of such documents.

2 DATED and effective this 9th day of October, 2008.



ARIZONA MEDICAL BOARD

By:



LISA S. WYNN
Executive Director

8
9 ORIGINAL of the foregoing filed
this 9th day of October 2008 with:

10 Arizona Medical Board
11 9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

12 EXECUTED COPY of the foregoing mailed
13 this 9th day of October 2008 to:

14 Robert M. Elliott, M.D.
(Address of Record on file with the Board)
15 Respondent

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